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## HAWAII ADMINISTRATIVE RULES

### TITLE 17

#### DEPARTMENT OF HUMAN SERVICES

#### SUBTITLE 12

#### MED-QUEST DIVISION

#### CHAPTER 1722.1

#### STATE MEDICAL ASSISTANCE FOR IMMIGRANT CHILDREN PROGRAM

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Subchapter 4    State Medical Assistance For  
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## SUBCHAPTER 1

### GENERAL PROVISIONS

§17-1722.1-1 Purpose. This chapter is established to provide state medical assistance to certain immigrant children under age nineteen who are not eligible for federal medical assistance because federal requirements prohibit participation in federal medical assistance programs by immigrants as a result of the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.  
[Eff 10/26/01 ] (Auth: HRS §346-59.4) (Imp: HRS §346-59.4)

§17-1722.1-2 Definitions. As used in this chapter:

"Blind" means, in relation to an individual applying for or receiving medical assistance from the department, meeting the Social Security Administration certification requirements for blindness.

"Disabled" means, in relation to an individual applying for or receiving medical assistance from the department, meeting the Social Security Administration certification requirements for disability.

"Fee for service program" means the component within the state administered medical assistance program, which reimburses providers for each eligible service provided.

"Hawaii QUEST" means the demonstration project developed by the department which will deliver medical, dental, and behavioral health services through health plans employing managed care concepts, to certain individuals formerly covered by public assistance programs including the Aid to Families with Dependent Children (AFDC), related medical assistance programs, General Assistance (GA), and the State Health Insurance Program (SHIP).

"INA" means the Immigration and Naturalization Act (8 U.S.C. §§1101, et seq.).

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"INS" means the United States Department of Justice, Immigration and Naturalization Service.  
[Eff 10/26/01 ] (Auth: HRS §346-59.4) (Imp: HRS §346-59.4)

§§17-1722.1-3 to 17-1722.1-5 (Reserved)

## SUBCHAPTER 2

### ELIGIBILITY

§17-1722.1-6 Purpose. This subchapter describes the eligibility requirements for participation in the state medical assistance for immigrant children program. [Eff 10/26/01 ] (Auth: HRS §346-59.4) (Imp: HRS §346-59.4)

§17-1722.1-7 Basic eligibility requirements. To be eligible for the state medical assistance for immigrant children program, a person shall meet the basic eligibility requirements described in chapter 17-1714, which include, but are not limited to legal resident alien status, state residency, not residing in a public institution, and social security number. [Eff 10/26/01 ] (Auth: HRS §346-59.4) (Imp: HRS §346-59.4)

§17-1722.1-8 Eligibility requirements. (a) When requesting coverage under the state medical assistance for immigrant children program, the person must meet the following eligibility requirements:

- (1) The person is prohibited from participating in federal medical assistance programs under Titles XIX and XXI of the Federal Social Security Act as a result of the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; and
- (2) The person is under age nineteen; and
  - (A) Is a legal permanent resident who arrived in the United States on or after August 22, 1996; or
  - (B) Is permanently residing under color of law (PRUCOL). However, a person who is permanently residing under color of law

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shall meet the requirements specified in section 17-1722.1-9; or

- (C) Is from the Marshall Islands, Micronesia, or Palau who is covered by the Compact of Free Association (CFA).

(b) A person shall also meet all other categorical and financial eligibility criteria for medical assistance. The following conditions shall apply:

- (1) A person who is not blind or disabled shall meet the categorical and financial eligibility requirements of applicants and recipients of medical assistance for the Hawaii QUEST program described in chapter 17-1727.
  - (i) For a person whose countable family income would allow the person to be eligible under the provisions of section 17-1727-14(b) except that the person is prohibited from participating in federal medical assistance programs as a result of the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, that person can be eligible for state medical assistance for immigrant children coverage when the person has third party health care coverage.
  - (ii) For a person whose countable family income would allow the person to be eligible under the provisions of section 17-1727-14(f) except that the person is prohibited from participating in federal medical assistance programs as a result of the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, that person shall not be eligible for state medical assistance for immigrant children coverage when the person has third party health care coverage.
- (2) A person who is blind or disabled shall meet the categorical requirements of applicants and recipients of medical assistance for

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blind or disabled individuals described in chapter 17-1721 and the financial requirements in chapter 17-1732.

- (i) For a person whose countable family income would allow the person to be eligible under the provisions of section 17-1732-6(b) except that the person is prohibited from participating in federal medical assistance programs as a result of the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, that person can be eligible for state medical assistance for immigrant children coverage when the person has third party health care coverage.
- (ii) For a person whose countable family income would allow the person to be eligible under the provisions of section 17-1732-6(c) except that the person is prohibited from participating in federal medical assistance programs as a result of the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, that person shall not be eligible for state medical assistance for immigrant children coverage when the person has third party health care coverage.

(d) Coverage under the state medical assistance for immigrant children program shall not exceed five years beginning as of the date of the person's entry into the United States for a person who meets the requirement of section 17-1722.1-8(a)(2)(A).

[Eff 10/26/01 ] (Auth: HRS §346-59.4) (Imp: HRS §346-59.4)

§17-1722.1-9 Aliens permanently residing in the United States under color of law. (a) Aliens permanently residing in the United States under color of law (PRUCOL) may be eligible for medical assistance.

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(b) A person may be eligible for assistance if the individual is an alien residing in the United States with the knowledge and permission of the INS and the INS does not contemplate enforcing the alien's departure. The INS does not contemplate enforcing an alien's departure when:

- (1) It is the policy or practice of the INS not to enforce departure of aliens in the same category; or
- (2) From all the facts and circumstances in a particular case it appears that the INS is otherwise permitting the alien to reside in the United States indefinitely.

(c) The following aliens are considered permanently residing in the United States under color of law:

- (1) Aliens residing in the United States pursuant to an indefinite stay of deportation;
- (2) Aliens residing in the United States pursuant to an indefinite voluntary departure;
- (3) Aliens on whose behalf an immediate relative petition has been approved and their families covered by the petition who are entitled to voluntary departure under 8 C.F.R. §242.5(a)(2)(vi) and whose departure the INS does not contemplate enforcing;
- (4) Aliens granted stays of deportation by court order, statute or regulation, or by individual determination of the INS pursuant to section 106 of the INA (8 U.S.C. §1105a) or relevant INS instructions, whose departure the INS does not contemplate enforcing;
- (5) Aliens granted voluntary departure pursuant to section 242(b) or the INA (8 U.S.C. §1252(b)) or 8 C.F.R. 242.5 whose departure the INS does not contemplate enforcing;
- (6) Aliens granted deferred action status pursuant to the INS operations instructions §103.1(a)(ii) prior to June 15, 1984 or §242.1(a)(22) issued June 15, 1984 and later.
- (7) Aliens residing in the United States under orders of supervision pursuant to section 242 of the INA (8 U.S.C. §1252(d));
- (8) Aliens granted suspension of deportation pursuant to section 244 of the INA (8 U.S.C.

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- §1254) and whose deportation the INS does not contemplate enforcing; or
- (9) Other aliens living in the United States with the knowledge and permission of the INS and



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whose departure the INS does not contemplate enforcing. [Eff 10/26/01 ] (Auth: HRS §346-59.4) (Imp: HRS §346-59.4)

§17-1722.1-10 Treatment of income. (a) When determining financial eligibility for persons who are not blind or disabled, the provisions for treatment of non-exempt income and definitions of financial support and responsibilities described in chapter 17-1724 for the Hawaii QUEST program shall apply.

(b) When determining financial eligibility for persons who are blind or disabled, the provisions for treatment of non-exempt income and definitions of financial support and responsibilities described in chapter 17-1724 for the blind and disabled programs shall apply. [Eff 10/26/01 ] (Auth: HRS §346-59.4) (Imp: HRS §346-59.4)

§§17-1722.1-11 to 17-1722.1-13 (Reserved)

## SUBCHAPTER 3

### STATE MEDICAL ASSISTANCE FOR IMMIGRANT CHILDREN WHO ARE NOT BLIND OR DISABLED

§17-1722.1-14 Purpose. The purpose of this subchapter is to describe the benefits to be provided and enrollment provisions for coverage of health care costs for persons who are not blind or disabled and who are eligible to participate in the state medical assistance for immigrant children program. [Eff 10/26/01 ] (Auth: HRS §346-59.4) (Imp: HRS §346-59.4)

§17-1722.1-15 State medical assistance for immigrant children who are not blind or disabled. (a) The benefits provided under the Hawaii QUEST scope and content of services for an individual under age nineteen as described in chapter 17-1727 shall be provided for an individual in the state medical assistance for immigrant children program who is not blind or disabled.

(b) For a person who is not blind or disabled, the enrollment provisions described chapter 17-1727

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shall apply. [Eff 10/26/01 ] (Auth: HRS §346-59.4) (Imp: HRS §346-59.4)

§17-1722.1-16 Reimbursement to participating plans. The reimbursement provisions described in chapter 17-1727 shall apply. [Eff 10/26/01 ] (Auth: HRS §346-59.4) (Imp: HRS §346-59.4)

§17-1722.1-17 Disenrollment from health plans. The disenrollment provisions described in chapter 17-1727 shall apply to an enrollee who is not blind or disabled. [Eff 10/26/01 ] (Auth: HRS §346-59.4) (Imp: HRS §346-59.4)

§§17-1722.1-18 to 17-1722.1-20  
(Reserved)

## SUBCHAPTER 5

### STATE MEDICAL ASSISTANCE FOR IMMIGRANT CHILDREN WHO ARE BLIND OR DISABLED

§17-1722.1-21 Purpose. The purpose of this subchapter is to describe the method of coverage and benefits to be provided for persons who are blind or disabled and who are eligible to participate in the state medical assistance for immigrant children program. [Eff 10/26/01 ] (Auth: HRS §346-59.4) (Imp: HRS §346-59.4)

§17-1722.1-22 State medical assistance for immigrant children who are blind or disabled. (a) The benefits provided under the fee for service medical assistance program for an individual under age nineteen as described in chapter 17-1737 shall be provided for an individual in the state medical assistance for immigrant children program who is blind or disabled.

(b) The department shall issue medical assistance identification cards and temporary medical assistance identification coupons as described in chapter 17-1711 to an individual in the state medical

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assistance for immigrant children program who is blind or disabled.

(c) The effective date of authorization described in chapter 17-1735 shall apply to an

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individual in the state medical assistance for  
immigrant children program who is blind or disabled.  
[Eff 10/26/01; am 05/10/03 ] (Auth: HRS  
§346-59.4) (Imp: HRS §346-59.4)

